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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ADRIAN ROMAINE PICKETT,

14 Defendant.

CASE NO. CR04-075-TSZ

PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE

15 INTRODUCTION

16 I conducted a hearing on alleged violations of supervised release in this case on August 17,
17 2010. The United States was represented by Marci Ellsworth, and defendant was represented by
18 Kevin Peck. The proceedings were recorded on cassette tape.
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20 CONVICTION AND SENTENCE

21 Defendant had been convicted on or about September 24, 2004 on charges of possession of
22 cocaine base with intent to distribute. The Hon. Thomas S. Zilly of this court sentenced defendant to
23 71 months in custody (later reduced to 60 months), followed by four years of supervised release.
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1 In May of 2010, defendant consumed alcohol, and was allegedly involved in new criminal
2 behavior. The court modified the conditions of supervised release to require him to participate in the
3 Location Monitoring Program (home confinement with sobriety) for 120 days.

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5 ALLEGED VIOLATIONS AND DEFENDANT'S ADMISSIONS

6 In an application dated August 10, 2010, Senior USPO Mark J. Chance alleged that defendant
7 violated the conditions of supervised release in six respects. Five of those charges alleged defendant
8 used controlled substances on or before August 5, 2010, specifically: marijuana, opiates, MDMA
9 (ecstasy), Oxycodone, and cocaine. The sixth charge is that he failed to comply with the Location
10 Monitoring Program by virtue of his use of drugs.

11 I advised defendant as to these charges and as to his constitutional rights. Defendant admitted
12 all six alleged violations, waived any hearing as to whether they occurred, and consented to having
13 the matter set for a disposition hearing.

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15 RECOMMENDED FINDINGS AND CONCLUSIONS

16 Based upon the foregoing, I recommend the court find that defendant has violated the
17 conditions of his supervised release in the six respects alleged, and conduct a disposition hearing.
18 That hearing has been scheduled before Judge Zilly for September 9, 2010 at 1:30 p.m.

19 Defendant has been detained pending a final determination by the court.

20 DATED this 17th day of August, 2010.

21
22 s/ John L. Weinberg
23 United States Magistrate Judge
24
25

cc: Sentencing Judge : Hon. Thomas S. Zilly
Assistant U.S. Attorney : Marci Ellsworth
Defense Attorney : Kevin Peck
Sr. U. S. Probation Officer : Mark J. Chance